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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,374

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Helen Routh

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

LUBIN, VALERIE

ART UNIT

PAPER NUMBER

3626

MAIL DATE

DELIVERY MODE

07/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,374	Applicant(s) ROUTH ET AL.	
	Examiner VALERIE LUBIN	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claims 22-29 are pending

For reference purposes, the document paper number is 20090713

Response to Arguments

2. Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.

Examiner introduces new art to teach display units that are separable from the diagnostic signal acquisition units, and a central data processor to process and communicate data to a selected station.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pflugrath et al. U.S. Patent No. 5,603,323 in view of Burris et al. U.S. Patent No. 5,924,988 and further in view of Chaco et al. U.S. Patent No. 5,822,544.

5. With respect to claim 22, Pflugrath recites a method comprising the steps of installing a network (Fig. 1 element 104; col. 3 lines 39-41), obtaining a diagnostic signal acquisition unit (Fig. 1 element 100; col. 3 lines 36-37), coupling the diagnostic signal acquisition unit to the data network (Fig. 1 element 104), coupling a network data processor to the data network (Fig. 1 element 120), and obtaining a display unit (Fig. 2 element 40; col. 4 lines 14-20).

Pflugrath does not recite a plurality of units, however; Applicant is merely repeating the steps of Pflugrath for more than one signal acquisition unit and display unit. It has been held that the, "mere duplication of parts has no patentable significance unless a new and unexpected result is produced." (In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)). It would therefore have been obvious to one of ordinary skill to apply the teachings to Pflugrath for a plurality of units to be able to assist more patients at one time and increase the capacity of the system.

Pflugrath does not teach display units that are separable from the diagnostic signal acquisition units, however Burris does (Abstract). It would therefore have been obvious to one of ordinary skill in the art to combine the teachings of Pflugrath and Burris to have display units separable from the diagnostic acquisition units in order to maximize ergonomics.

Pflugrath recites a central server or network data processor communicating with a selected ultrasound system (Col.7 lines 19-21). Pflugrath and Burris do not specifically recite the network data processor processing an image from a selected one of the plurality of diagnostic signal acquisition units; however, Chaco does disclose a central processor which processes and communicates patient data to a plurality of patient and nurse remote stations (Col. 4 lines 10-18). It would therefore have been obvious to one of ordinary skill in the art to combine the teachings of Pflugrath, Burris and Chaco in order to facilitate data communications.

Claims 25 is rejected under the analysis of claim 22.

6. Claim 23 is rejected, as Pflugrath recites a control unit and coupling the control unit to the data network (Fig. 2 element 20; col. 3 lines 66-67, col. 4 lines 1-2).

7. Claim 24 is rejected, as Pflugrath discloses an ultrasound system (Abstract).

8. Claim 26 is rejected, as Pflugrath discloses a diagnostic signal acquisition having expanded capabilities (Col. 3 lines 25-29).

9. With respect to claim 27, Pflugrath recites loading upgrade software into the network data processor (Col. 3 lines 51-58).

10. Claim 28 is rejected as Pflugrath recites uploading upgraded software from the network data processor to at least one diagnostic acquisition unit (Col. 3 lines 51-58).

11. Claim 29 is rejected, as Pflugrath discloses adding new processing capability to the network (Col 3 lines 54-58).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Fujimoto, U.S. Patent No. 5,588,434 discloses a display monitor separate from an ultrasound system.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VALERIE LUBIN whose telephone number is (571)270-5295. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. L./
Examiner, Art Unit 3626

/Robert Morgan/
Primary Examiner, Art Unit 3626